



DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



POLICY NUMBER	
OPR:50	
EFFECTIVE DATE: 06/24/2013	ORIGINAL ISSUED ON: 12/19/2007
REVISION NO: 1	

SUBJECT: MISSING PERSONS INVESTIGATIONS

1.0 PURPOSE

The purpose of this policy is to provide Department of Public Safety commissioned officers with guidelines for the investigation of missing persons-related incidents.

2.0 POLICY

It is the policy of the Department of Public Safety to investigate all reports of missing persons regardless of whether the person is an adult or child. Particular care will be exercised in cases of persons who may be in danger, mentally or physically impaired, under a doctor's care, or on life-sustaining medication. Additionally, the department holds that every person reported as missing will be considered "at risk" until significant information to the contrary is confirmed.

3.0 APPLICABILITY

This policy is applicable to all commissioned officers of the Department of Public Safety.

4.0 REFERENCES

- A. Amber Alert Law 29-15A-1 to 29-15A-5 NMSA 1978
- B. CALEA Chapter 41 Requirements--Reporting and Investigating Missing Persons
- C. Endangered Person Advisory 29-15-3.1 NMSA 1978
- D. Health Insurance Portability and Accountability Act of 1996 (HIPAA)
- E. Missing Persons Information and Reporting Act 29-15-1 to 29-15-12 NMSA 1978
- F. National Child Search Assistance Act
- G. NCIC Federal Regulations
- H. Silver Alert Advisory
- I. Suzanne's Law (Section 3701 Of the Crime Control Act)

5.0 DEFINITIONS

- A. **AMBER Alert** – A declaration by the authorized requestor that a child abduction has occurred and that notifications and broadcasts should be made pursuant to the Amber Alert notification plan and DPS policy *OPR: 43 Amber Alert / Silver Alert / Endangered Person Advisory*.

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- B. Authorized Requestor** – The person(s) designated by the Chief of the State Police to implement the Amber Alert and/or Silver Alert notification plan and authorized by DPS to issue an Endangered Person Advisory.
- C. Child** – An individual under the age of eighteen (18) years who is not emancipated.
- D. Clearinghouse** – The New Mexico Missing Persons Information Clearinghouse (DPS Law Enforcement Records Bureau).
- E. Custodian** – A parent, guardian, or other person who exercises legal physical control, care, or custody of a child.
- F. DPS** – The Department of Public Safety.
- G. Endangered Person** – A missing person who is in imminent danger of causing harm to themselves or another, is in imminent danger of being harmed or has been harmed by another, and/or has Alzheimer's disease or another degenerative brain disorder.
- H. Endangered Person Advisory** – DPS procedures for disseminating, as rapidly as possible, information about an endangered person, which includes; notification to the lead station of the endangered person advisory; notification to other public and private media sources and members of the public as necessary; providing information about the endangered person, including all identifying information, to the lead station and other media sources.
- I. Immediate Family Member** – The spouse or nearest relative of a person.
- J. Lead Station** – AM radio station (KKOB), which has been designated as the “state primary station” by the Federal Communications Commission (FCC) for the Emergency Alert System.
- K. Missing Child** – An individual who is less than twenty-one (21) years old and reported to any law enforcement agency as abducted, lost, or a runaway.
- L. Missing Person** – A person whose whereabouts are unknown to the person's custodian or immediate family member and the circumstances of whose absence indicate that the person did not leave the care and control of the custodian or immediate family member voluntarily and the taking of the person was not authorized by law or the person voluntarily left the care and control of his custodian without the custodian's consent and without intent to return.
- M. Missing Person Report** – Information that is given to a law enforcement agency on a form used for sending information to the National Crime Information Center (NCIC); and about a person whose whereabouts are unknown to the reporting person and who is alleged in the form submitted by the reporter to be missing.
- N. Person** – An individual regardless of his age.
- O. Reporting Person** – The person who reports a missing person. *Must be a custodian for a child under twenty-one (21) years old.*

Clarification added.

P. SILVER Alert – This advisory is a notification relating to an endangered person who is confirmed to be a missing person, who is fifty (50) years or older and whom there is clear indication that the individual has an irreversible deterioration of intellectual faculties. Refer to DPS policy *OPR: 43 Amber Alert / Silver Alert / Endangered Person Advisory* for more information.

Clarification added.

Q. State Registrar – The employee so designated by the Health Services Division of the Health and Environment Department (Department of Health), pursuant to the Vital Statistics Act.

6.0 PROCEDURE:

A. Missing Persons/Child

1. Telecommunicators who receive incoming reports concerning missing persons shall immediately contact an officer/supervisor or criminal agent/supervisor to inform them of the incident.
2. DPS commissioned officers upon receiving a missing person report shall:
 - a. Immediately begin an investigation, including but not limited to the following:
 - i. Obtain identification, clothing description, last known location, distinguishing marks, and other pertinent information from the reporting party to broadcast a “Be on the Lookout” (BOLO), alerting other officers about the circumstances of the adult/child disappearance, as appropriate.
 - ii. Provide identification of missing person and a brief summary of the circumstances relating to the missing persons investigation to all elements of this agency, neighboring agencies and, if stranger-to-stranger abduction is suspected, the FBI.
 - iii. Collect all available information to complete your “Missing Persons Clearinghouse (MPCH) Report” form, including physical description, last known location, etc. Refer to department policy *OPR: 39 Criminal Investigations* for details of conducting criminal investigations.
 - iv. Treat areas of interest as potential crime scenes as appropriate. Refer to department policy *OPR: 40 Crime Scenes* for details of processing crime scenes.
 - v. Evaluate whether or not additional resources are needed, e.g. supervisor, Investigations Bureau, Crime Scene Investigators, etc.
 - vi. Complete and fax the Missing Persons Clearinghouse Report Form (*Attachment B*) to the DPS Clearinghouse coordinator.
 - vii. Refer to the attached Missing Persons Investigative Checklist (Officer, Supervisor, and Criminal Investigator) to ensure all pertinent criteria are being met.

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- b. *Immediately* request the entry of the missing/endangered child/person information into the clearinghouse and the National Crime Information Center (NCIC) missing person file.
 - c. Provide immediate notification of the investigation to the DPS headquarters staff through the appropriate chain of command. After normal working hours, contact the on-call duty officer to provide detailed information on the missing/endangered person investigation. The department Public Information Officer (PIO) may also be contacted to coordinate assistance from media personnel. The PIO should be consulted prior to any information being released to the media concerning the missing/endangered person.
 - d. Evaluate whether or not information received justifies the conducting of a search of a given area. If an area search is justified, the investigating officer shall make reasonable attempts to obtain supervisory authorization to mobilize additional resources necessary to conduct an area search. In the event the investigating officer is unable to contact a supervisor, the officer shall make the final determination of whether or not to conduct the search.
 - e. Upon receiving a report of a missing/runaway child, ensure that the State Registrar is notified within twenty-four (24) hours by telephone, facsimile, or electronic transmission, of the missing child. Within three (3) days of the initial notification, the officer must complete and fax a Missing Child Notification Birth Certificate Flag Request Form to the New Mexico Vital Records and Health Statistics (Attachment C).
 - f. All pertinent information not immediately available shall be obtained as soon as practical. This updated information shall be added to the original report as a supplement and the NCIC entry should be updated, as appropriate.
 - g. At the time a missing person report is made, the investigating officer shall provide a Dental Record Release Form to the custodian or immediate family member of the missing person. The officer shall endorse the Dental Record Release Form with a notation that a missing person report has been made in compliance with the provisions of the Missing Persons Information Act. When the Dental Record Release Form is properly completed by the custodian or immediate family member of the missing person and contains the endorsement, the form is sufficient to permit a dentist or physician in this state to release dental records relating to the missing person (Attachment D).
 - h. Investigating officers/agents shall maintain routine, on-going contact with the reporting person and/or missing person's closest relative concerning progress and follow up leads on the investigation. These and other relevant individuals shall be informed that they must notify the lead investigator when and if any contact is made with the missing person.
- 3. *Immediately* after a missing person/child is located, the investigating officer/agent **shall** request the person's entry be cleared from NCIC.
 - 4. Within twenty-four (24) hours of receiving information a missing child was located, the investigating officer/agent shall complete a Missing Child Notification Birth

Certificate Flag **Cancellation** Request Form (Attachment E) and fax it to New Mexico Vital Records and Health Statistics and notify the State Registrar in writing that the missing child has been located.

5. Following the missing child/person being located, the investigating officer/agent shall consider interviewing the child/person to determine if other criminal activity may have been committed or permitted, e.g., child/adult/elderly abuse, neglect, etc.

B. Unidentified Bodies

The agency is required to enter information about all unidentified bodies of persons found in their jurisdiction into the Clearinghouse and the National Crime Information Center Unidentified Person file, including all available identifying features of the body and a description of the clothing found on the body.

C. Endangered Persons

1. Endangered or “at risk” persons are those who meet or when one or more of the following exist:
 - a. A missing child (thirteen) 13 years old or younger (National Child Search Assistance Act).
 - b. Out of the safety zone for his/her age, developmental stage, or mental and physical condition.
 - c. Diminished mental capacity or suicidal tendencies.
 - d. Drug dependent requires life or health sustaining medications.
 - e. A potential victim of foul play or sexual exploitation.
 - f. In a life-threatening situation.
 - g. Absent from home for more than twenty-four (24) hours before being reported to law enforcement as missing.
 - h. Believed to be with others who could endanger his/her welfare.
 - i. Is absent under circumstances inconsistent with established patterns of behavior.
2. Telecommunicators who receive incoming reports concerning endangered persons shall immediately, or as soon as practical, contact an officer/supervisor or criminal agent/supervisor to inform them of the incident.

They should obtain sufficient information from the reporting party to broadcast a “Be on the Lookout” (BOLO) alerting other officers about the circumstances of the adult/child disappearance.

3. DPS commissioned officers, upon receiving an **endangered** person report shall:
 - a. Immediately begin an investigation as outlined above.

Clarification added.

- b. In the event the person is determined to be missing under unexplained or suspicious circumstances or deemed to be an endangered person/child, complete in its entirety and provide the Endangered Person Advisory Report Form attached to policy *OPR: 43 Amber Alert / Silver Alert / Endangered Person Advisory* to the DPS Clearinghouse Coordinator.
- c. Consider if the person is believed to be in danger because of age, health, mental or physical disability, and environment or weather conditions, in the company of a potentially dangerous person, or some other factor that may place the person in imminent peril.
- d. Consider if there is information that may be beneficial to the public to assist in locating the missing person.
- e. *Immediately* enter the name of the missing person/child into the Clearinghouse and the National Crime Information Center (NCIC), endangered person file.
- f. Provide notification of the investigation to the DPS headquarters clearinghouse staff through the appropriate chain-of-command. After normal working hours, contact the on-call duty officer to provide detailed information on the missing/endangered person investigation. The DPS and State Police PIO shall also be contacted to coordinate issuance of an Endangered Persons Advisory. The PIO or district commander should be consulted prior to any information being released to the media concerning the missing/endangered person.

D. AMBER ALERT Notification Plan

1. The State Police will develop and implement an AMBER ALERT notification plan for the purpose of disseminating, as rapidly as possible, information about a child abduction so that law enforcement agencies and citizens throughout the state may be aware and vigilant.
2. Refer to department policy *OPR: 43 Amber Alert / Silver Alert / Endangered Person Advisory* for specific details regarding AMBER ALERTS.

E. SILVER ALERT Notification Plan

Clarification added.

1. The State Police will develop and implement a SILVER ALERT notification plan for the purpose of disseminating information regarding a missing endangered person meeting SILVER Alert guidelines. After an independent determination has been made that the missing person is a person subject to the alert, a notification relating to a SILVER Alert will be made.
2. Refer to department policy *OPR: 43 Amber Alert / Silver Alert / Endangered Person Advisory* for specific details regarding SILVER ALERTS.

F. Investigative Process

1. The investigative checklists attached to this policy are provided as a tool for the investigation and oversight of missing persons-related investigations. The forms may be used to the extent necessary.

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2. A copy of the completed forms should be included in the case file for future reference.

7.0 ATTACHMENTS

- A. Missing Persons Investigative Checklists
- B. Missing Persons Clearinghouse (MPCH) Report Form
- C. Birth Certificate Flag Request Form
- D. DPS Dental Records Release Form
- E. Birth Certificate Flag Cancellation Request Form

8.0 APPROVAL

APPROVED BY: s/ Gorden E. Eden Jr. **DATE:** June 24, 2013
DPS Cabinet Secretary